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12   UNITED STATES DISTRICT COURT

13   NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

14

15 MOBILE TELECOMMUNICATIONS   CASE NO. 5:16-mc-80012 NC
    TECHNOLOGIES,
16   **DECLARATION OF ANDREA PALLIOS
                 Plaintiff,   ROBERTS IN SUPPORT OF
17   PLAINTIFF'S ADMINISTRATIVE
          vs.   MOTION TO SEAL (DKT NO. 6)**
18
    SAMSUNG ELECTRONICS CO., LTD.,   Judge: Hon. Nathanael Cousins
19 SAMSUNG ELECTRONICS AMERICA,
    INC., SAMSUNG
20 TELECOMMUNICATIONS AMERICA,
    LLC.,
21
                 Defendants.
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1   I, Andrea Pallios Roberts, declare as follows:

2   1.   I am Of Counsel at Quinn Emanuel Urquhart & Sullivan, LLP, counsel for non-

3 party Google Inc. ("Google") in this action. I submit this declaration in support of Plaintiff

4 Mobile Telecommunications Technologies, LLC's ("MTel's") Administrative Motion to File

5 Under Seal in Re Motion to Compel Third-Party Google, Inc. to Produce Documents and to Make

6 Available an Additional Witness and Request for Sanctions Pursuant to FRCP 37(Dkt. No. 6). I

7 have personal knowledge of the following facts, and would competently testify to them if called

8 upon to do so.

9   2.   On January 14, 2016, MTel filed an Administrative Motion to File Under Seal in

10 Re Motion to Compel Third-Party Google, Inc. to Produce Documents and to Make Available an

11 Additional Witness and Request for Sanctions Pursuant to FRCP 37(Dkt. No. 6), which sought to

12 protect information designated as confidential by non-party Google and discussed in MTel's

13 Motion to Compel. Pursuant to Civil L.R. 79-5(e), non-party Google submits this Declaration in

14 support of MTel's Administrative Motion, to the extent MTel's Motion and supporting documents

15 reference non-party Google's highly confidential or proprietary business information. These

16 documents contain information that Google considers to be competitively sensitive. Google does

17 not disclose such information to the public. In particular, the materials MTel seeks to seal discuss

18 the backend operation of Google's Cloud Messaging service ("GCM"), including its source code,

19 which is information that Google considers to be commercially sensitive and is not public, and

20 was produced to MTel under the operative Protective Order in the underlying case.

21   3.   Exhibit 4 to the Declaration of Craig Jepson (Dkt. 6-3) is an excerpt of the

22 transcript of the November 11, 2015 deposition of Google engineer Francesco Nerieri. The

23 testimony describes the operation and protocols used by GCM, including information regarding

24 where messages are stored, types of messages, and the use of such messages by GCM. Such

25 information is highly confidential and was produced under the Protective Order governing

26 confidentiality in the underlying action.

27   4.   Exhibit 5 to the Jepson Declaration (Dkt. 6-4) is an internal Google design

28 document for GCM for Android. It discusses in detail the operation of various different messages

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Declaration in Support of Administrative Motion to Seal

1   in the GCM system. Moreover, the document details the design of how messages are processed

2   through Google's GCM system, metrics on Google's GCM system as well as discussion regarding

3   proposed changes to Google's GCM system. This information is highly confidential and was

4   produced under the Protective Order governing confidentiality in the underlying action.

5   5.   Exhibit 7 to the Jepson Declaration (Dkt. 6-5) is MTel's second subpoena to

6   Google for documents and deposition. Selected portions of the exhibit contain commercially

7   sensitive information regarding the operation of GCM and should be redacted. The information

8   disclosed in the selected portions is highly confidential and was produced under the Protective

9   Order governing confidentiality in the underlying action.

10   6.   Exhibit 8 to the Jepson Declaration (Dkt. 6-6) is a letter to me from MTel's

11   counsel, summarizing and quoting from Mr. Nerieri's deposition testimony. Selected portions of

12   this exhibit contain commercially sensitive information regarding the operation of GCM and

13   should be redacted. The information disclosed in the selected portions is highly confidential and

14   was produced under the Protective Order governing confidentiality in the underlying action.

15   MTel's Administrative Motion asks that this document be sealed in its entirety. However,

16   attached as Exhibit A is a redacted version of Exhibit 8, which more narrowly tailors the

17   redactions to protecting Google's proprietary information. It is Google's understanding that,

18   pursuant to Civil Local Rule 79-5(d)(1)(D), MTel already filed an unredacted version of this

19   document. To the extent that the Court would also like Google to file an unredacted version of the

20   document, Google will do so.

21   7.   Exhibit 9 to the Jepson Declaration (Dkt. 6-7) is Google's response to MTel's

22   subpoena for a second deposition and documents. Selected portions of this exhibit contain

23   commercially sensitive information regarding the operation of GCM and should be redacted. The

24   information disclosed in the selected portions is highly confidential and was produced under the

25   Protective Order governing confidentiality in the underlying action. MTel's Administrative

26   Motion asks that selected portions of this document be redacted. However, attached as Exhibit B

27   is a redacted version of Exhibit 9 which more narrowly tailors the redactions to protecting

28   Google's proprietary information. It is Google's understanding that, pursuant to Civil Local Rule

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1   79-5(d)(1)(D), MTel already filed an unredacted version of this document. To the extent that the

2   Court would also like Google to file an unredacted version of the document, Google will do so.

3   8.   Selected portions of MTel's Motion to Compel quote from or reference the exhibits

4   discussed above. These selected portions contain commercially sensitive information regarding

5   the operation of GCM and should be redacted. The information disclosed in the selected portions

6   is highly confidential and was produced under the Protective Order governing confidentiality in

7   the underlying action.

8   I declare under penalty of perjury, under the laws of the United States, that the foregoing is

9   true and correct. Executed this 21st day of January, 2016, in Redwood Shores, California.

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11   _/s/ Andrea Pallios Roberts_____
                                     Andrea Pallios Roberts

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